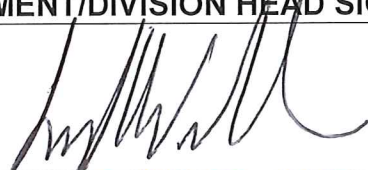
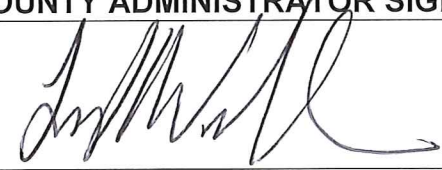


AGENDA # 9.1
SCOTT COUNTY, MINNESOTA
REQUEST FOR BOARD ACTION
MEETING DATE: JUNE 18, 2019

ORIGINATING DIVISION:	Planning & Res. Mgmt.	CONSENT AGENDA:	<input type="checkbox"/> Yes <input type="checkbox"/> No
ORIGINATING DEPARTMENT:	Environmental Services		
PRESENTER:	Jesse Krzenski - 8361	ATTACHMENTS:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PROJECT:	Sever's Festival EAW	TIME REQUESTED:	10 min
ACTION REQUESTED:	Adopt Resolution No. 2019-095; Approving the Findings of Fact and Conclusions for the Sever's Festival Environmental Assessment Worksheet and Negative Declaration on the Need for an Environmental Impact Statement		
CONTRACT/POLICY/GRANT:	<input type="checkbox"/> County Attorney Review <input type="checkbox"/> Risk Management Review	FISCAL:	<input type="checkbox"/> Finance Review <input type="checkbox"/> Budget Change

ORGANIZATIONAL VALUES:

- ☐ Stewardship: Ensuring the responsible and stable investment of taxpayer dollars and communicating its value to the public
- ☐ Partnership: Aligning existing resources, volunteers and programs to achieve shared goals
- ☐ Leadership: Anticipating changes and managing challenges based on reliable information and citizen input
- ☒ Commitment: Developing a high quality workforce that is dedicated to advancing a safe, healthy and livable community
- ☒ Customer Service: Creating a customer experience that is respectful, responsive and solution-oriented
- ☐ Innovation: Exploring and adopting new technologies and processes with the goal of improving service and reducing the long term cost of service delivery

DEPARTMENT/DIVISION HEAD SIGNATURE:	COUNTY ADMINISTRATOR SIGNATURE:
	
Approved:	DISTRIBUTION/FILING INSTRUCTIONS:
Denied:	
Tabled:	
Other:	
Deputy Clerk :	
Date:	

TWIDB 4ayes
MB about

Ruben B. B. 6-18-19

Background/Justification:

The purpose of this agenda item is to adopt Resolution No. 2019-095; Approving the Findings of Fact and Conclusions for the Sever's Festival Environmental Assessment Worksheet (EAW) and Negative Declaration on the Need for an Environmental Impact Statement (EIS).

Sever's proposes to purchase 104 acres of agricultural land in Louisville Township at the intersection of TH 169 and CSAH 14 and develop 40 acres of the site into a seasonal entertainment and event venue. Sever's entertainment and events are centered on using the existing agricultural land for a corn maze, fall festival, and winter carnival.

Sever's proposal met the threshold for a mandatory EAW due to the construction of a new sports or entertainment facility designed for or expected to accommodate a peak attendance of 5,000 or more persons, or the expansion of an existing sports or entertainment facility. On April 29, 2019, an EAW was completed and published for public review. The 30 day public review period ended May 29, 2019. A copy of the comments received, responses to comments, and the Finding of Fact and Conclusion are attached in the Record of Decision document.

Minnesota Environmental Quality Board (EQB) Rules require that the County Board make a positive or negative finding on the need for an EIS. We did not receive substantive comments that identified unknown environmental impacts. The comments received may be taken into consideration as a part of the Conditional Use Permit process.

Staff recommends adoption of Resolution No. 2019-095.

Fiscal Impact:

None

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	June 18, 2019
Resolution No.:	2019-095
Motion by Commissioner:	Wolf
Seconded by Commissioner:	Beer

**RESOLUTION NO. 2019-095; APPROVING THE FINDINGS OF FACT AND CONCLUSIONS
FOR THE SEVER'S FESTIVAL ENVIRONMENTAL ASSESSMENT WORKSHEET AND
NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, Scott County was required to complete an Environmental Assessment Worksheet (EAW) according to Minnesota Rule Section 4410.4300 Subp. 34 for the Sever's Festival Relocation Project; and

WHEREAS, Scott County submitted an EAW to the Environmental Quality Board (EQB) Monitor on April 29, 2019 and received comments until May 29, 2019; and

WHEREAS, Scott County received agency comments from the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and the Minnesota Department of Transportation; and

WHEREAS, Scott County received citizen comments from John Brandel, 15505 Minnesota Valley Bluff Drive, Shakopee; Michael Thuening, 15499 Minnesota Valley Bluff Drive, Shakopee; Lisa Heiling, 15375 Minnesota Valley Bluff Drive, Shakopee; Emily Reinke, 2760 150th St W, Shakopee; Cindy Pieper, 2661 150th St. W, Shakopee; Carole Boegeman, 2495 150th St. W, Shakopee; and Zach Pontzer, 15311 Minnesota Valley Bluff Drive, Shakopee; and

WHEREAS, staff has completed a Response to Comments and Findings of Fact and Conclusions addressing the comments; and

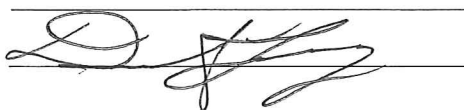
WHEREAS, Scott County declares a negative declaration on the need for an Environmental Impact Statement.

NOW THEREFORE BE IT RESOLVED that the County Board approves the Findings of Fact and Conclusions for the Sever's Festival EAW and negative declaration on the need for an Environmental Impact Statement.

COMMISSIONERS	VOTE
Weckman Brekke	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent <input type="checkbox"/> Abstain
Wolf	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent <input type="checkbox"/> Abstain
Beard	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Abstain
Beer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent <input type="checkbox"/> Abstain
Ulrich	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Absent <input type="checkbox"/> Abstain

State of Minnesota)
County of Scott)

I, Lezlie A. Vermillion, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 18th day of June, 2019 now on file in my office, and have found the same to be a true and correct copy thereof. Witness my hand and official seal at Shakopee, Minnesota, this 18th day of June, 2019.



County Administrator

Administrator's Designee

Scott County
Louisville Township, Minnesota

RECORD OF DECISION
FINDINGS OF FACT, CONCLUSIONS and RESOLUTION 2019-095

DATE: June 18, 2019

RE: Determination of Need for an Environmental Impact Statement (EIS)

PROJECT: Sever's Festival Environmental Assessment Worksheet (EAW)

Location: Scott County, Louisville Township, Section 33 & 34
Tax Parcel Number: 07-933-0111, 07-933-0112, 07-934-0011

FINDINGS OF FACT

1. Pursuant to Minnesota Rules for Sports or entertainment facilities, 4410.4300, Subpart 34, Scott County, acting as the Responsible Governmental Unit (RGU) prepared the mandatory Environmental Assessment Worksheet (EAW) for the proposed Sever's Festival Project.
2. The EAW is incorporated by reference in this Record of Decision.
3. As indicated in the EAW, Sever's Festivals, proposes to purchase 104 acres of agricultural land in Louisville Township, Scott County and develop 40 acres of the 104 acres into a seasonal entertainment and event venue. Sever's entertainment and events are centered on using the existing agricultural land for a fall festival, winter carnival, and event venue.
4. The EAW was filed with the MEQB and notice for its availability for public review and comment was published in the *EQB Monitor* on April 29, 2019. A copy of the EAW was sent to all persons on the MEQB Distribution List and to persons who requested a copy. The EAW was also made available on the Scott County website.
5. A press release announcing the availability of the EAW for public review and comment, including a brief description of the project, was sent to the Shakopee Valley News, Jordan Independent, Prior Lake American, and Savage Pacer for publishing on April 29, 2019.
6. The 30-day public review and comment period for the EAW began on April 29, 2019, and ended on May 29, 2019.
7. During the 30-day public review and comment period, three agencies and seven community members submitted written comments on the EAW, including Minnesota Department of Transportation, Minnesota Pollution Control Agency, and the Minnesota Department of Natural Resources.

8. The written comments received from regulatory state agencies are presented below with a response following each comment. Regulatory agency comments and responses are formatted with reference to item 8 of this Record of Decision as follows:

	Entity	Name	Comment	Response
1	Minnesota Department of Transportation	David Elvin	<p>Traffic</p> <p>MnDOT asks to be involved in the development of the traffic management elements and special event traffic management plan, along with Scott County, as referred to on page 19 of Appendix D Traffic Impact Study. Please contact Almin Ramic of the Metro District's Traffic Engineering Section at Almin.Ramic@state.mn.us or 651-234-7824 to coordinate MnDOT's involvement.</p>	Scott County staff agrees and MNDOT will be involved in traffic management.
2	Minnesota Department of Transportation	David Elvin	<p>Drainage</p> <p>A drainage permit (Form 30795-02) will be required for this site to ensure that current drainage rates to MnDOT right-of-way will not be increased. Please provide computations and plans so that MnDOT may verify that the proposed culvert development maintains or reduces drainage rates to the state right-of-way. Please include both existing and proposed site conditions. Drainage permit applications are available and may be submitted online at: https://dotapp7.dot.state.mn.us/OLPA.</p> <p>Please submit the following documents with the drainage permit application:</p> <ol style="list-style-type: none"> 1. Design calculation and plans for the proposed culvert crossing of the drainage channel on the north end of the site that designed to reduce flooding risk. 2. An electronic copy of any computer modeling used for the drainage computations. 	Scott County staff agrees. The developer is required to get all necessary permits as a part of the Conditional Use Permit. The developer will provide the required information at the time of drainage permit application.
3	Minnesota Department of Transportation	David Elvin	<p>150th Street West is designated in the 2015 Regional Bicycle Trail Network as a Tier 2 corridor and is also identified in the Scott County 2040 Comprehensive Plan as part of the Louisville Regional Trail Corridor. Therefore it is likely that a bicycle and pedestrian trail will be developed on or near 150th Street West in the future. Therefore, MnDOT recommends that the proponent and County work together to accommodate and incorporate bicycle and pedestrian access to the site.</p>	Comment noted.

4	Minnesota Pollution Control Agency	Karen Kromar	Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and has no comments at this time.	Comment noted.
5	Minnesota Department of Natural Resources	Rebecca Horton	Based on the information provided in the EAW, it is not clear where the location of the proposed box culvert(s) will occur. Any culvert crossing designs should be submitted to the DNR for review and determination if a Work in Waters Permit will be required from the DNR (contact Area Hydrologist Jennie Skancke (jennie.skancke@state.mn.us) with questions).	Comment noted. The proposed box culvert will be upstream of the existing crossing on the northern branch of the tributary to Picha Creek that flows along the north portion of the site and is not part of a protected waterway. Plans will be submitted to the DNR for review and a Work in Waters Permit will be obtained if necessary. The developer is required to get all necessary permits as a part of the Conditional Use Permit.
6	Minnesota Department of Natural Resources	Rebecca Horton	<p>A DNR Water Appropriation Permit is required if dewatering in volumes that exceed 10,000 gallons per day, or one million gallons per year. The DNR Permit is required whether the water that is pumped is ground water or surface water. A DNR Water Appropriation Permit may be required:</p> <ul style="list-style-type: none"> o For the installation of the box culvert(s); o for crop irrigation; o for the use of a private water supply, should plans change and permanent bathrooms be installed (bathrooms serving 5,000 people per day could reasonably exceed the use of 10,000 gallons of water per day); o for snowmaking and ice making (if groundwater is proposed to be obtained for this purpose). <p>§ Page 8 states that a DNR water appropriators permit has been applied for. Please note that Sever's has obtained a DNR Well Construction – Preliminary Approval 2018-3897 for the well on this property for Festival Use and Snow/Ice Making. A DNR Well Construction – Preliminary Approval Letter is not a DNR Water Appropriation Permit. Once the well that was approved has been drilled, then Sever's will need to use the MPARS website to convert the Well Construction – Preliminary Approval into a DNR Water Appropriation Permit application. Until this has happened there is no DNR Water Appropriation Permit for the site (contact Appropriations Hydrologist Joe Richter (joe.richter@state.mn.us) with questions).</p>	Comment Noted. Scott County staff agrees. The developer is required to get all necessary permits as a part of the Conditional Use Permit. The developer will be required to get appropriate DNR permits.

6	Minnesota Department of Natural Resources	Rebecca Horton	If possible, we recommend using stormwater for watering any landscaping of the site.	Comment noted.

9. Scott County is required to respond to comments that are both substantive to possible significant environmental effect and are timely. We have provided all written comments received from Scott County residents below with a response; however not all comments are regarding a possible significant environmental effect, and therefore we have noted this in the response.

	Entity	Name	Comment	Response
7	Resident	John Brandel	Page 3 (paragraph 4) indicates a new sport or entertainment facility. Please clarify why this project has been labeled as a sport facility. I do not see anything in the description from the applicant that sporting activities will be taking place inside the tents or anywhere on the site. Please provide a description of the sporting activities proposed by the applicant.	Page 3 Reason for EAW Preparation is stating that this project requires an EAW because it met Statute 4410.4300 construction of a new sports or entertainment facility. This project is not proposing a sports facility, but an entertainment facility.
8	Resident	John Brandel	Page 4 (item b, fourth paragraph) Regarding the Fall Festival - Please have the applicant clarify what type of live music is proposed (will it be amplified) and how large of a venue. How often will live music events take place.	The developer has provided the following response: Family friendly festival music. For the last 18 years we have used the Blue Ox Jazz Babies. https://blueoxjazz.com/ Please see Figure 3 Activity Pictures- 1st photo "live music" to see the Blue Ox Jazz Babies, with instruments and speaker. Please see Appendix C on manufacturers Sounds specs for the speaker.
9	Resident	John Brandel	What type of animals and how many will be on site at the petting zoo. Will they be on site all year round	Comment noted. This issue is not related to a possible significant environmental impact. The developer has provided the following response: Traditional festival petting zoo animals. Animals will only be on site for the duration of the event. For the last 16 years we have used the family that operates Safari North. https://www.safarinorth.com/
10	Resident	John Brandel	Is the applicant proposing to serve alcoholic beverages on the site. Is the site currently zoned for an applicant to serve alcoholic beverages to the public for profit.	Comment noted. This issue may be addressed during the Conditional Use permit. This issue is not related to a possible significant environmental impact.

11	Resident	John Brandel	How many pumpkin blasters will be on site and how often will the pumpkin blaster be shot per day. Are pumpkin blasters (a device used to shoot a projectile by the public) allowed in the current zoning district.	Comment noted. This issue may be addressed during the Conditional Use permit. This issue is not related to a possible significant environmental impact. However, the developer has provided the following response: we will have as many pumpkin cannons as necessary to meet the demand of our patrons. Shots per day will depend on many factors: how many patrons are at the event, weather, time of year, cost of activity, among other factors. We have never had a safety issue or concern with the pumpkin cannons. We operate them in a way that is safe for the patrons and community at large.
12	Resident	John Brandel	Page 4 (item b, fourth paragraph) Page 4 (item b, fourth paragraph) Page 4 (item b, sixth paragraph) Regarding the Winter Festival - Please have the applicant clarify what type of live music is proposed (will it be amplified) and how large of a venue. How often will live music events take place.	Please see response 8 above
13	Resident	John Brandel	Page 4 (item b, sixth paragraph) Regarding the Winter Festival - What type of animals and how many will be on site at the petting zoo. Will they be on site all year round.	Please see response 9 above
14	Resident	John Brandel	Page 4 (item b, sixth paragraph) Regarding the Winter Festival - Is the applicant proposing to serve alcoholic beverages on the site. Is the site currently zoned for an applicant to serve alcoholic beverages to the public for profit.	Please see response 10 above
15	Resident	John Brandel	Page 4 (item b, sixth paragraph) Regarding the Winter Festival - How many snowball shooters will be on site and how often will the snowball shooters be shot per day. Are snowball shooters (a device used to shoot a projectile by the public) allowed in the current zoning district.	Please see response 11 above
16	Resident	John Brandel	Page 5 (first paragraph) What are the hours of the special events – how late at night. How many special events are projected per year. Will live music take place at the special events and will it be amplified.	Any special events would only occur during the same proposed operating hours for the fall or winter festivals (8:30am-10pm). The number of special events is dependent upon customer interest/demand. Please see response 8 on music.

17	Resident	John Brandel	Page 5 (second paragraph) how large will the propane tanks be and where will they be located on the site. Will the propane tanks be screened from the eastern property line (residential properties).	Comment noted. The developer has provided the following response: the size of propane tank will depend of the demand of propane needed for the operation of the event. Propane tanks will be screened from the eastern property line.
18	Resident	John Brandel	Page 5 (fifth paragraph) how many days per year will the temporary tents be up (or installed). When will the tents be put up and when will they be taken down. How many tents will be installed and what are the sizes of the tents. How many people will be occupying each tent during the festival. Are temporary tent structures allowed in the current business zoning district. Will the Agency having Jurisdiction require the temporary tents open to the general public to be fire sprinkled if they are up more than a certain number of days per year. How will the County control the number of temporary tent structures on the site and how long they have been up. How will the applicant handle severe weather to protect the safety and welfare of the general public attending the festival with tents being used.	Comment noted. This issue is not related to a possible significant environmental impact. The developer has provided the following responses: the number of tents used for the festivals will depend on the demand and space needed for activities. Tents will be various sizes. Patrons occupying the tents will vary greatly depending on size of tent and activity within the space. Time of the tents being up will vary on the days of the festivals' operation. We will update and adopt a new severe weather plan for the new location.
19	Resident	John Brandel	Page 6 (first paragraph) how will storm water management be addressed along the eastern property line – especially with surface drainage flowing off the bluff during heavy rains and snow melt (flash flooding) which occurs all year round.	Existing drainage patterns will be maintained along the eastern property line. A vegetated buffer will be maintained along the property line with trees and plantings to provide a stable surface for drainage discharge.
20	Resident	John Brandel	Page 7 (first paragraph) temporary tent structure are noted as being 14' tall in the report – please confirm if this is to the top peak of the tent or a typo. The photos of the tents in the EAW appear to be much taller.	Comment noted. This issue may be addressed during the Conditional Use permit. This issue is not related to a possible significant environmental impact. The developer has provided the following response: the temporary structures (i.e. food vendors, ticket booths, storage sheds, etc.) are noted as 14' tall. Some of these temporary structures will be onsite year-round. Temporary tent structures, which will not be on site year-round, should be noted to be 24' tall.
21	Resident	John	Page 8 (table) What type of sign. Please	Comment noted. This issue may

		Brandel	provide the size and where it will be located. Will the sign be illuminated and visible from the eastern property line (residential properties).	be addressed during the Conditional Use permit. This issue is not related to a possible significant environmental impact. The proposer has provided the following response: signage, (and lighting of said signage) will not be visible from the eastern property line.
22	Resident	John Brandel	<i>Page 9 (second to last paragraph)</i> Site is being classified as a "Day Park". Will bon fires, burning or fireworks of any kind be allowed on the site, which will cause a nuisance to neighboring properties. The EAW indicates that no overnight camping will be on site. Please confirm with the applicant if vendors, employees, visitor, security personnel will be staying overnight on the site at any time during the year. The description of the land use given by the applicant appears to be more like a "Fair or Fair Ground". "Fair or Fair Ground" is not a permitted use for the current zoning of this property. Please clarify why the Land Use is classified as a "Day Park" with the description of the proposed events taking place by the applicant. The property is currently zoned for a business (brick & mortar building with a parking lot and nice landscaping). The site is not currently zoned for live music, festival activities being conducted in a farm field with large white circus tents w/ thousands of parked vehicles. The Sever's land use is not in line with the comprehensive plan for this area. It is our understanding that the applicant is also in the process of purchasing surrounding residential properties for the operation of the festival. Please clarify if the use of these properties need to be re-zoned to "Day Park" and be part of the EAW report.	Comment noted. A Private Day Park is defined by Ordinance as a use having "Day recreational activities which do not include overnight camping". The proposal is for a daytime agricultural themed use that would involve entertainment and recreational amenities and does not include overnight camping. This use does not include exhibitions (animal or vehicle), buying or selling of goods (agricultural products and food are for sale), competitions, or similar entertainment typically associated with a Fair (animal exhibitions/shows, tractor pulls, goods vendors, grandstand/stage events) that would typically have overnight camping for fair participants. In addition there will be no permanent buildings as are typical with a fairgrounds.
23	Resident	John Brandel	<i>Page 10 (item c)</i> How will vehicle head lights from over 5,000 vehicles be addressed, so they do not cause light pollution (or glare) on adjacent properties. The applicant has not indicated how this will be addressed, so it does not become a nuisance to adjacent property owners. What extent will idling cars in the parking area have on air quality and surrounding neighbors – how will the County monitor air quality.	The developer is not proposing that 5000 vehicles will be on-site at one time, like a concert venue. Please review the traffic study to see the traffic flow patterns (5-6 p.m is the peak time for most visitors to leave the site), head lights from attendees' vehicles would not over-illuminate the night sky in order to cause light pollution. Traffic mitigation

				includes installation of new turn lanes, signage, and proposed law enforcement cooperation to control the entrance in order to reduce idling vehicle time to ensure the air quality would not be affected.
24	Resident GREG	John Brandel	How will the increased traffic on 150th Street not make traffic more congested then it already is. We are very concerned we will not be able to enter and/or exit our private driveway located at "Minnesota Valley Bluff Drive" with a steady stream of vehicles coming and going from the festival.	County Road 15 is classified as an A Minor Arterial roadway in the County's Transportation Plan. An A Minor Arterial is designed for Average Daily Traffic (ADT) of 14,000-15,000 vehicles. Estimated 2040 ADT is 2,600 vehicles east of the subject property to County Road 69. The proposer is participating in the traffic management plan process to develop solutions for event day traffic levels.
25	Resident	John Brandel	How will traffic complaints be handled by the County. How will the applicant keep trespassers off our private driveway "Minnesota Valley Bluff Drive". Does the County have a maximum number of on-site parking spaces that are allowed in the current zoning district.	The Zoning Ordinance requires that uses accommodate all parking on the subject property. Conditional Use Permits have a condition that prohibits parking on a County, Township, or Private Road. Off-site parking would be a violation of the CUP. The developer will be required to amend the EAW if expands the parking space beyond what is stated in the EAW.
26	Resident	John Brandel	<i>Page 13 (third paragraph)</i> where are the portable toilets going to be installed. Will the toilets be visible from the eastern property line (residential properties) and will they be screened all year round.	Comment noted. This issue is not related to a possible significant environmental impact. The developer has provided the following responses: portable toilets will be placed throughout the festival grounds in necessary areas for convenient patron use. Portable toilets will be screened, to the best of our ability, from the eastern property line. Currently portable toilets are only on site during the operation of the event(s).
27	Resident	John Brandel	<i>Page 13 (second to last paragraph)</i> what guidelines are in place, so the applicant keeps the existing tributary drainage into Picha Creek dredged (or clear of debris) so sediment does not build-up and back-up water onto	Sediment transport and deposition is naturally occurring. The existing tributary streams will remain the same with the exception of a box culvert being

			surrounding properties up stream during heavy rains and snow melt.	installed on the tributary stream that enters Picha Creek from the north. The box culvert will be regularly inspected and drainage through it shall be maintained.
28	Resident	John Brandel	<i>Page 14 (fifth paragraph)</i> What type of farm irrigation well is the applicant proposing for this project. How many gallons of water per day will be pumped from the well, especially during the dry season. What affect will this have on surrounding wells located in the area.	<p>At this time the developer is not planning on installing the well but will instead be watering via water trucks, so the exact usage of the well is not known.</p> <p>During the drafting of the EAW, the County and the developer did discuss with the MN DNR construction of irrigation well and preliminary well assessment has been performed by the MN DNR.</p> <p>In the future, should the developer decide to drill a well, a water appropriations permit from the MN DNR will be required and applied for which is then reviewed by the DNR and it will take in to account any possible effect on nearby private wells.</p>
29	Resident	John Brandel	<i>Page 16 (first paragraph)</i> Where will the garbage dumpsters be installed and will they be visible from the east property line (residential properties). Will the garbage dumpsters be screened all year round.	Comment noted. This issue is not related to a possible significant environmental impact. The developer has provided the following responses: garbage dumpsters will be placed in areas convenient for staff to utilize as well as garbage trucks to access and empty. Garbage dumpsters, to the best of our ability, will be screened from the eastern property line.
30	Resident	John Brandel	<i>Page 17 (item b)</i> How will the proposed noise levels affect the endangered animals noted in the EAW. How is the County and DNR addressing this item.	This project has been reviewed by the MN DNR and their comments have noted that in order to avoid any impacts to Northern long-eared bat and Lark Sparrow, no trees will be cut down during their "active seasons" as noted in the EAW. Also, the developer has printed off information that will be posted in the employee common

				area, in addition to educating the employees about these species at employee orientation.
31	Resident	John Brandel	<i>Page 18 (item 15)</i> Will the proposed lights on the property be shut off at night. What hours during the day will the lights be used. Will a photometric lighting plan be developed to confirm light standards are being followed so it does not become a nuisance to adjacent property owners.	Comment noted. This issue may be addressed during the Conditional Use permit, including requiring a lighting plan that conforms to standard. The developer has provided the following, lighting will only be used during the festival(s) hours of operation and the time needed to clean the site and get patrons, staff and vendors safely to their vehicles.
32	Resident	John Brandel	<i>Page 20 (second paragraph)</i> The EAW indicates noise will be generated from the <u>fall festival</u> sixteen (16) weeks out of the year. Please confirm with the applicant on how often <u>special events</u> will be going on and the proposed time of the <u>winter festival</u> – it appears that the noise will be generated longer than sixteen (16) weeks per year. How will the noise levels be monitored to insure this project is not creating a nuisance to the surrounding residential properties. Currently the site is a flat farm field. Will the County be monitoring noise levels to confirm sound levels are being followed per code or will this become the surrounding neighbors responsibility, especially on weekends. How often per year will the sound levels be monitored by the County to confirm they are within compliance. Please confirm what is an acceptable level of noise for a surrounding residential property owner to have to hear from a farm field being converted into a festival (or fair) with live music.	The proposed noise levels of the project within the EAW were shown to not exceed state noise standards at any of the nearest property lines. The proposer has indicated that a further noise study would be completed by third party consultant at the cost of the proposer, if noise was indeed becoming a cause for concern to surrounding properties in order to verify the noise levels emitted from the festival were indeed not exceeding noise standards as shown in the EAW. As noted in the EAW, if noise complaints are received the proposer may be required to do a noise study as a condition of the Conditional Use Permit.
33	Resident	John Brandel	<i>Page 23 (sixth sentence)</i> Please verify if the applicant had a third party noise study completed by a sound engineer. How will Scott county address noise complaints by adjacent neighbors. The EAW indicates the “proposer” may be required to do a noise study as a condition of the CUP. Please clarify who is responsible for paying for the noise study if a sound complaint is brought forward to the County or Sheriff’s office.	Please see response 32 above.
34	Resident	John	<i>The Sever’s Fall Festival maps and Sever’s</i>	The developer provided the

		Brandel	<p><i>Winter Festival map show a buffer along the east property line (parallel with Minnesota Valley Bluff Drive). Please have the applicant clarify what type of buffer is proposed and where it will be installed. It should be noted that a vegetated buffer (deciduous trees) is a seasonal screening and will not address screening and noise during the fall, winter and spring. Storm water sheet flows off the eastern bluff into the existing farm field. Constructing a barriers, fence, berm or buffer along the east property line will disrupt the current flow which will adversely affect the surround properties. How will future stormwater management improvements be handled on this project. The EAW also does not acknowledge the standing water that was present in the farm field over the winter (up to a foot in some places).</i></p>	<p>following: the proposed buffers will be trees and native plantings. There are no proposed berms, barriers, or fences proposed that would impede the flow of runoff across the property line. On the southeastern property line, we have begun transplanting hardwood trees that are 18'-25' tall spaced 40' on center. Apple trees were planted on the east-northeast and northeastern property lines in multiple rows. Apple trees are 4'-6' tall and planted 7'-14' on center. A 20' wide and 9'-12' tall corn buffer will be planted on the west side of the transplanted tree buffer to provide additional buffer and screening.</p>
35	Resident	John Brandel	<p><i>The traffic study does not address how many staff vehicles, delivery trucks, vender vehicles, all-terrain vehicles, buses, shuttles, cabs, agricultural vehicles, etc. will be using the site on a daily bases in addition to the proposed festival visitors. The applicant has also not indicted the maximum number of vehicles that will be parking in the open field labeled as parking.</i></p>	<p>The traffic study vehicle counts have been modeled for 15% more traffic than has ever been generated at the event. This 15% accounts for all additional staff, vendor and ancillary traffic related to the event, while still providing a 10%+ buffer.</p>
36	Resident	John Brandel	<p>What is the maximum number of vehicles that can park on the site under the current zoning district? The current road is not able to support the volume of traffic that is proposed by the applicant without creating a hardship for the neighbors living in the area (especially entering and existing private driveways). Is the County proposing to widen 150th street, add additional traffic lights, signage and street lights for safety reasons under this proposed development.</p>	<p>The developer provided a traffic study with parking levels throughout the event, and will have parking staff to direct traffic to the site entrance and in the parking areas. The applicant and County will be installing turn lane infrastructure at the site entrance to help facilitate traffic entering/leaving the site. In addition the applicant will participate in the development of a cooperative traffic management plan, which will be developed with the participation of MnDOT, Scott County, Louisville Twp, the MN Renaissance Festival, Sever's, and SRF Consulting. The County is not proposing to widen 150th Street West or install additional traffic controls at this time.</p>
37	Resident	John	<p>The applicant has indicated that they plan on</p>	<p>This issue is not related to a</p>

		Brandel	using the entire property for festival activities to make a profit– example: selling goods, events, rides, corn maze, parking, etc. Will the property remain classified as agricultural land which has a lower property tax bracket or will it be changed to a different classification (commercial /retail) which has a higher property tax bracket. Please confirm how this will be structured with this type of development.	possible significant environmental impact.
38	Resident	John Brandel	Please clarify if the applicant (Severs) were to purchase adjacent residential properties and/or land that was not noted in the current EAW and it was also being used in the operation/maintenance of the proposed festival (storing equipment and materials, housing employees, campers, etc.). Under this scenario will the applicant be required to amend the current EAW if this is taking place. Will the adjacent residential properties being used for the festival need to be rezoned (would they have the same land-use). How will the County control additional events and more land area being added to the current proposal by Sever's.	<p>If the proposer purchased adjacent properties not noted in this EAW, the proposer would have to prepare an amended EAW.</p> <p>The developer provided the following response: at this time, we have no intention to buy residential neighboring properties, nor do we have an interest in including residential properties into the proposed activities.</p>
39	Resident	John Brandel	Page 23, Item 18, Section a., 1) – Existing site is a farm field. Please confirm the maximum number of parking spaces the applicant is proposing in the two large areas noted as parking on the map (Figure 3). The site appears to be able to support more vehicles than what is stated in the EAW (estimated 4,000). Please have the applicant provide a scaled site plan drawing showing the layout and total parking counts. How will the County control the maximum number of parked vehicles allowed to park on the site (or in an open farm field). If more than 4,000 vehicles are parked on the site will the applicant be required to update the EAW with the County.	The County Zoning Ordinance requires uses to provide for all customer parking on the subject property. CUP's include conditions that prohibit offsite parking on any private, Township, or County roadway. Offsite parking issues would be a violation of the CUP. The traffic and parking was designed for 4,000 vehicles under the EAW so any increase would require an update to the EAW.
40	Resident	John Brandel	Page 23, Item 18, Section a., 2) – Traffic study is based off traffic counts from past attendance records submitted by the applicant for a much smaller site. Please provide the total area of the original Sever's site next to Canterbury Park and what is the area of the new proposed Sever's Festival (or fair) site. It is our understanding that the new site is twice as large as the old site. Would it be reasonable to estimate that the visitor	The traffic and parking was designed for 4,000 vehicles in the EAW. If the developer changes the proposal significantly (such as doubling the traffic or parking) the developer will need to amend the EAW and related permits (possibly the Conditional Use Permit.)

			<p>traffic would be double because the site area has doubled in size. According to the EAW the applicant has indicated that the fair activities will increase and over time additional activities will be added. The new site is also more visible from Hwy 169 which will also bring in more visitors traveling along the surrounding freeway. The traffic study does not show what affects increased traffic above the 4,000 vehicles will have on surrounding roads, intersections and private driveways.</p>	<p>Please see MN Statute 4410.4300 subpart 1</p>
41	Resident	John Brandel	<p>Page 24, item 5) Please clarify why alternative transportation modes were not investigated, especially with increased vehicle traffic having significant negative environmental impacts on surrounding neighbors.</p>	<p>The traffic analysis showed no significant negative environmental impact on surrounding neighbors, therefore, alternative modes were not investigated.</p>
42	Resident	John Brandel	<p><i>Study completed by SRF dated 5-2-19:</i> It is our understanding old traffic counts were used on the traffic study. Please confirm why the applicant has not had updated vehicle counts completed, especially if an IUP / CUP is needed on this project. It would be useful to see an updated traffic study completed when the road construction project has been completed and the Renaissance festival is running to see how this project will affect traffic on 150 street (Hwy 14). It should also be noted 150th street (Hwy 14) is a narrow single lane road with no shoulder or street lights, especially at the location where surrounding residential driveways are located. Nothing is mentioned in the report on how increased traffic will affect neighbors from safely entering and exiting their private driveways off 150th street. The new overpass over 169 (which is currently under construction) will direct vehicles leaving the Renaissance Festival who want to go north bound on 169 to dump directly in front of the proposed Sever's entrance and affect the flow of traffic onto 150th street (Hwy 14). Please clarify what impact this will have on traffic in this area (especially at the intersection). How will other businesses along the new frontage road affect the intersection in front of the proposed site as well.</p> <p>Please clarify in the traffic study the size of the special events, how often and what is the</p>	<p>The traffic analysis used the worst case (or highest counts) which were from 2015, 2016 and 2017 to get the most accurate car counts and be able to create a traffic model based on the highest attendance years. Due to weather and construction at Canterbury Park our 2018 attendance was down more than 20%.</p> <p>The developer have been working with SRF consulting, Scott County Transportation, Louisville Township, MnDOT, the Scott County Sheriff's Office, and the MN Renaissance Festival on a traffic management plan during the two year US Highway 169 construction project and during event operations. The traffic counts used were 2015, 2016, and 2017, which was the most current data available from the transportation agencies. The new Louisville Road frontage road is planned to be open by mid-August 2019, and will intersect County Road 14 (150th Street) where turn lanes (right and center left) will be installed. The majority of traffic from the north will use Louisville Road,</p>

			<p>maximum number of vehicles that will be using the site during special events. Especially leaving at the same time when the event is over. This will create a hardship for those living in the area.</p> <p>The traffic study completed by SRF indicates the following recommendations:</p> <ul style="list-style-type: none"> i. Law enforcement officer to be used to monitor traffic conditions along 150th (Hwy 14). ii. Stakeholders to work together to coordinate event traffic management plans and directional signing to avoid event day traffic confusion and congestion. iii. Use of appropriate special event advisory and wayfinding signing, traffic control signing and other traffic control devices (traffic cones, etc) to be used as needed. <p>The items noted above from the traffic report indicate the current single lane road (150th street) in this area will not support the proposed development. Please have the traffic engineer elaborate on what permanent road improvements are needed, so the items noted above are not needed</p>	<p>either from the new 147th Street bridge or from County Road 78, which is directly across from the Sever's entrance. Most of Sever's north bound traffic will use Louisville Road, or make a left turn out of the event site and make a right onto US Highway 169. Local traffic from the Shakopee, Prior Lake area may use County Road 14 east.</p> <p>The applicant has designed parking to accommodate up to 4,000 cars.</p>
43	Resident	John Brandel	<p>Page 27) in the current EAW Report dated 4/22/19 indicates this is a <u>complete</u> project. I disagree with this statement because the applicant is in the process of purchasing additional surrounding properties that are not noted in the EAW report which will have significant environmental impacts on the adjacent properties. I'm requesting the EAW be revised with all requested information by the public and be re-issued for another 30 days for public review. The current report is missing critical information by the applicant which has significant environmental impacts.</p>	<p>The developer has noted that they are not interested in purchasing surrounding properties. If the developer purchases surrounding properties to include in the festival they will be required to amend their EAW. The Scott County Board of Commissioner is the Responsible Government Unit that will decide if the EAW is complete or if an EIS is need to further investigate environmental impacts.</p>
44	Resident	Zach Pontzer	<p>Please describe the "buffer" that will be utilized parallel the Minnesota Valley Bluff Drive?</p>	<p>The developer has provided the following responses: a buffer along the east and northeast property line will help provide screening from the proposed festivities. On the southeastern property line, we have begun transplanting hardwood trees that are 18'-25' tall spaced 40' on center. Apple trees were planted on the east-northeast and northeastern property lines in</p>

				multiple rows. Apple trees are 4'-6' tall and planted 7'-14' on center. A 20' wide and 9'-12' tall corn buffer will be planted on the west side of the transplanted tree buffer to provide additional buffer and screening.
45	Resident	Zach Pontzer	Will fencing used along Minnesota Valley Bluff Drive be East or West of the "buffer". What material/color will the fencing be?	The developer has provided the following responses: at this time, we do not believe a fence or permanent structure is necessary as part of the buffer.
46	Resident	Zach Pontzer	Please elaborate on "live music", will this be amplified music or just acoustic instruments? Will there be stand-alone music events separate from the festival?	<p>Please see comment 8 above. Please see Figure 3 Activity Pictures- 1st photo "live music" to see the Blue Ox Jazz Babies, with instruments and speaker. Please see Appendix C on manufacturers Sounds specs for the speaker.</p> <p>The developer has provided the following response: there will not be stand-alone music events.</p>
47	Resident	Zach Pontzer	How does Sever's intend to keep traffic/trespassers off of Minnesota Valley Bluff Drive?	Comment noted. This issue is not related to a possible significant environmental impact. The developer has provided the following response: we will monitor and patrol the eastern and northeastern property lines to assure patrons are not trespassing from our event onto private property, or entering public (or private) roadways where we are not permitted.
48	Resident	Zach Pontzer	How does Sever's intend to address the flash flooding/siltation of Picha Creek along the South end of the proposed festival?	There is no proposed fill or grading alteration along the floodplain for Picha Creek. Any structures placed in this area are temporary and designed to withstand flooding. At the end of the festival operations for the season all materials will be removed from the area surrounding Picha Creek.
49	Resident	Zach Pontzer	How many gallons per day in the growing season will the proposed water well produce? Is there a concern of lowering the water table for adjacent properties?	At this time the developer is not planning on installing the well but will instead be watering via water trucks, so the exact output of the well is not known.

				A preliminary well assessment has been performed by the MN DNR. A water appropriations permit from the MN DNR will be required and applied for which is then reviewed by the DNR and it will take in to account any possible effect on nearby private wells.
50	Resident	Zach Pontzer	Some of the residents along Minnesota Valley Bluff Drive safely utilize firearms for hunting, sporting clays, and target practice throughout the fall, my concern is that the festival attendees may complain about firearms use adjacent the festival. How will law enforcement address this scenario?	Comment noted. This issue may be addressed during the Conditional Use permit. This issue is not related to a possible significant environmental impact. The developer has provided the following responses: we will train our staff to address any concerns of patrons who bring this issue to our attention and educate them firearms are safely being used by neighboring residents in a lawful manner.
51	Resident	Cindy Pieper	Will there be a fence built on the east side for privacy?	The developer has provided the following responses: at this time, we do not believe a fence or permanent structure is necessary as part of the buffer.
52	Resident	Cindy Pieper	How will we be compensated for this disruption?	This issue is not related to a possible significant environmental impact.
53	Resident	Cindy Pieper	How will this affect our property values?	This issue is not related to a possible significant environmental impact.
54	Resident	Cindy Pieper	We reside just east of the project and have many concerns, but the biggest one we feel is how we will be impacted by traffic. Can you please update us on this matter because there is some confusion on this matter with the current bridge being built north of this.	Please review the Traffic Impact Study performed by SRF Consulting.
55	Resident	Lisa Heiling	We have a huge concern with people using our private road to access the Festival. There will be more pollution from people throwing things out of their vehicles which will be on our property. People will be turning around on our private road even though it states no outlet. This is a concern as we the neighbors maintain our road with adding rocks, grading etc. Severs stated putting a sign there, we know this will not stop them from coming down our road and abusing it.	Please see response 47 above.
56	Resident	Lisa Heiling	The noise from the festival is also a concern. They will be having concerts, music,	Comment noted. Please see comment 8 above. Please see

			<p>pumpkin thrower and who knows what else they will add. This noise will carry up to the bluff and echo. We know this because we already can hear noise from construction, freeway, shooting range and also train. It is worse when there are no leaves on the trees in the winter/fall and that is Severs festival season. What they planted so far in the field next to our road will not block the noise for many years.</p>	<p>Figure 3 Activity Pictures- 1st photo "live music" to see the Blue Ox Jazz Babies, with instruments and speaker. Please see Appendix C on manufacturers Sounds specs for the speaker.</p>
57	Resident	Lisa Heiling	<p>Traffic - we have had so much trouble already with the Renaissance over all the years living here. Traffic has stopped us from getting to our private drive on Hwy 14 because of backups for that festival. This is frustrating when you can't just get home! We pretty much try not to leave on those weekends. Now Severs will be open September through March, this will again back up HWY 14!</p>	<p>Comment noted. Please see Traffic Impact Study performed by SRF Consulting.</p>
58	Resident	Emily Reinke	<p><u>Increase in traffic-</u> We have experienced on multiple occasions extreme congestion on County Rd 14 from the Renaissance Festival coming from County Rd 69. This has impacted our weekends to the point where we've had to stay home. We fear that because this is going to be even closer that it is going to cause even more congestion. Current estimates on vehicles that we've seen is based off of their previous location by Canterbury and this is going to be significantly larger based on their acreage.</p> <p>We have had the need for emergency services to our home because of our 4 year old son's seizure condition. This could potentially cause a delay because of the lack of "shoulders" on County Rd 14. Emergency vehicles would have to drive on to oncoming traffic which would be extremely dangerous in this location.</p> <p>Another issue is traffic on our private driveway. We share a road with 3 other homes and we currently experience a lot of nosey people and turn around traffic that disregard "No Trespassing" and "Private Drive" signs. We feel that this will increase significantly based on high traffic volume and people starting to get familiar with the area.</p>	<p>The traffic analysis used the worst case (or highest counts) which were from 2015, 2016 and 2017 to get the most accurate car counts and be able to create a traffic model based on the highest attendance years. Due to weather and construction at Canterbury Park our 2018 attendance was down more than 20%.</p> <p>The proposer has been working with SRF consulting, Scott County Transportation, Louisville Township, MnDOT, the Scott County Sheriff's Office, and the MN Renaissance Festival on a traffic management plan during the two year US Highway 169 construction project and during event operations. The traffic counts used were 2015, 2016, and 2017, which was the most current data available from the transportation agencies. The new Louisville Road frontage road is planned to be open by mid-August 2019, and will intersect County Road 14 (150th</p>

				Street) where turn lanes (right and center left) will be installed. The majority of traffic from the north will use Louisville Road, either from the new 147th Street bridge or from County Road 78, which is directly across from the Sever's entrance. Most of Sever's north bound traffic will use Louisville Road, or make a left turn out of the event site and make a right onto US Highway 169. Local traffic from the Shakopee, Prior Lake area may use County Road 14 east.
59	Resident	Emily Reinke	<u>Excessive Noise</u> - We are extremely concerned about Sever's proposal to use their grounds as a concert venue. We experience a good amount of Highway noise already because of the shape of our ravine. Geographically, our ravine points directly towards this proposed concert area which we fear that the concert will feel like it is literally in our backyard	Concerts are not proposed as a part of this project. Please see comment 8 above. Please see Figure 3 Activity Pictures- 1st photo "live music" to see the Blue Ox Jazz Babies, with instruments and speaker. Please see Appendix C on manufacturers Sounds specs for the speaker.
60	Resident	Emily Reinke	<u>Alcoholic Beverages</u> - Since moving out to the country, we have noticed a significant amount of beer cans in the road ditches by our property. This leads us to believe that people are more apt to drive intoxicated on country roads. We feel that if people are in a setting with a concert, festival or wedding reception, they would be more apt to drink and drive because of the lack of police presence in the area as opposed to Sever's current location that has a high police presence because it is located right next to Canterbury and within a mile of the police station.	This issue is not related to a possible significant environmental impact. The developer has provided the following responses: our event is a family friendly event that offers alcohol as a beverage option for patrons that are of legal age. Unlike other events alcohol is not part of our festival nor is it encouraged as part of the fun of celebrating fall at our event. We have always, and will continue to adhere to strict policies regarding the alcoholic beverage service at our event(s). We have never had a problem with patron(s) abusing or over using alcohol that was served to them at our event because of our strict policies. We will continue to adhere to these strict alcohol policies to ensure patrons enjoy alcohol responsibly at our event.
61	Resident	Emily	<u>Property Value</u> - In my professional opinion as	Comment noted. This issue is

		Reinke	a Licensed Real Estate Agent, this will decrease our property value. No potential buyer is going to pay a premium price to live next to a "Circus."	not related to a possible significant environmental impact.
62	Resident	Emily Reinke	<u>Environmental</u> - It's a big concern for us that there will be hundreds of cars parked on a grass field in October. The potential fire hazard is high. If just one vehicle is missing its heat shield on a catalytic converter (which can reach a temperature of over 1000 degrees) it could cause a massive fire. This has been documented and you can search this on google. There are many cases where vehicles have caused wildfires from parking on grass. Also, we are concerned about vehicle's fluids leaking into our ground soil. We are all on wells and this could potentially affect our drinking water quality and cause numerous health hazards. My husband is an ASE Master Certified Auto Technician, in his experience most vehicles start leaking fluids at 50,000+ miles, which is the vast majority of vehicles. Ground contamination will most definitely be an issue.	<p>Comment noted. This issue may be addressed during the Conditional Use permit. The developer can be required to provide a spill management plan as a part of the CUP.</p> <p>The developer has provided the following responses: we are aware of the potential hazards of parking vehicles on farm fields. For the last 22 years we have never had an issue with these hazards due to proper care and maintenance of the parking areas. Frequent cutting of the parking areas to keep the height of the grass as well as watering with watering trucks will mitigate the hazards of parking in these field areas.</p>
63	Resident	Emily Reinke	<u>Unscrupulous Business Practice</u> - We believe that Sever's is trying to claim this as agricultural when it is obviously an entertainment business. They are using a loophole to avoid the taxes that they should be paying. This is not agriculture, it's a Fairground, Circus, Event Venue, Live Music Venue, etc.	Comment noted. This issue is not related to a possible significant environmental impact.
64	Resident	Mike Thuening	Our first concern is the first line in the EAW that says "The applicant, Sever's Festival, proposes to purchase". They have already done a lot of work without any approval from the county, township or neighboring residents on screening. This is a bad sign in that they will do what they want without approval and they will continue to do so. They have been planting mature trees along our road which will make a good screen but have not finished planting the second row to complete the screening.	Comment noted. This issue is not related to a possible significant environmental impact.
65	Resident	Mike Thuening	Another issue that needs to be addressed is the creek at the south end of this property. The creek used to run diagonally across the Breggemann property and many years ago	Sediment transport and deposition is naturally occurring and there are no proposed alterations to this section of the

			<p>Donald Breggemann moved the creek to the south end of the property. A few years ago the creek filled with sediment and overflowed flooding our properties. The Breggemann sons moved the creek diagonally across Jay Picha's property to take out the 90 degree turns. Since then the creek is filling with sediment again. The Peterson's need to understand that they are buying this creek problem and need to maintain it so we do not get flooded again.</p>	<p>stream. The only alteration to a stream is a box culvert being installed on the tributary stream from the north entering Picha Creek. The aforementioned box culvert shall be regularly inspected and will maintain drainage through it.</p>
66	Resident	Mike Thuening	<p>Minnesota Valley Bluff Drive is a private road. We have had problems for years of people coming down our road. We have put up signs to deter this problem and it has improved. Stray traffic on our road has been more abundant since this spring. What is their plan to keep their customers off of our road? How can they expect their customers to stay off of out road when they and their workers have been using our private road.</p>	<p>Please see response 47 and 25.</p>
67	Resident	Carole Boegeman	<p>I moved to Louisville Township twenty years ago from Shakopee to be free from the circus. I protested the amphitheater. I lived with the traffic from the Renaissance Festival because it was here when I came. I approve retail, industrial, and farm use for the proposed area. I do not approve entertainment. Please leave Severs Corn Maze at Canterbury Downs.</p>	<p>Comment noted.</p>

10. In consideration of the comments received and reviewed, and subsequent information provided by the developer, staff recommends the following Findings of Fact and Conclusion:

A. The type, extent, and reversibility of effects:

The developer is not proposing to permanently or irreversibly change the character of the site. The site is currently used for agriculture and will continue as agriculture. However, the developer is proposing fall and winter weekend festival which will increase traffic to the area.

Impacts identified through the EAW for which further analysis or details on mitigation are recommended by Staff before proceeding to the Interim Use Permit IUP process:

B. The cumulative potential effects of related or anticipated future projects:

Concurrent entertainment venues have the potential for contributing to area noise and traffic. The traffic analysis states there is some operational overlap during September for Sever's Festivals and Minnesota Renaissance Festival. However, since the Minnesota Renaissance Festival attendance peaks in middle to late September and Sever's Fall Festival attendance peaks middle to late October (MEA Week) it is concluded that there would not be a long-term significant cumulative traffic impact. While there is no apparent overlap or concurrence in peak events between Sever's Festivals and the Minnesota Renaissance Festival, it is recommended that the event operators and area stakeholders work together to coordinate event traffic management plans and directional signage to avoid event day traffic confusion and congestion.

C. The extent to which effects can be mitigated by ongoing public regulatory authorities:

The Scott County Conditional Use Permit (CUP) can put conditions on activities that generate noise, such as restricted hours of use. The CUP can require a noise analysis and mitigation plan to determine if the MN State noise standard is exceeded and measures to mitigate.

D. The extent to which effects can be anticipated and controlled as a result of other studies undertaken by public agencies or the project Proposer, or of previous EISs.

A traffic analysis was completed and it was recommended that a stakeholder meeting take place to develop a traffic management plan to address cumulative traffic. In addition, Scott County Transportation is requiring a right and center left turn lane to alleviate traffic concerns.

E. It is, therefore, concluded that an Environmental Impact Statement is not needed.

Staff is recommending that an EIS is not needed. Outstanding issues can be addressed through the CUP.

11. CONCLUSIONS

- I. Scott County has fulfilled all applicable procedural requirements of law and rule regarding the determination of need for an Environmental Impact Statement (EIS) for the proposed Sever's Festival Project.
- II. Pursuant to Minnesota Rules Part 4410.1700, Subparts 6 and 7, the proposed project has been evaluated by the public and Scott County to determine potential environmental effects. Based on the findings and record in this matter, Scott County has determined that the proposed Sever's Festival does not have the potential for significant environmental effects. Scott County concurrence by Resolution No. 2019-095, declaring a negative need for an Environmental Impact Statement is ATTACHED to this Record of Decision.
- III. Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of this RGU Record of Decision is being provided, within 5 days, to all persons on the MEQB Distribution List, to persons commenting and to persons who requested a copy. This Record of Decision will also be made available on the Scott County website.